

## **CITY BOARD OF ZONING APPEAL #05016**

**DATE SCHEDULED FOR PUBLIC HEARING:**

**November 18, 2005**

**LOCATION:** Generally located northwest of the intersection of South 9<sup>th</sup> and D Streets.

**ADDRESS:** 828 D Street

**LEGAL DESCRIPTION:** Lots 1, 2, 11, and 12, and the adjacent vacated alley, and Lot 10 and the S ½ of the adjacent vacated alley, Block 192, Original Lincoln, located in the SE 1/4 of Section 26-10-6, Lancaster County, Nebraska

**EXISTING LAND USE AND ZONING:** Religious Assembly                      R-6 Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-6
South:	Residential	R-6
East:	Residential	R-6
West:	Residential	R-6

### **TYPE(S) OF APPEAL(S):**

1. THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

A. Lincoln Municipal Code (LMC) Section 27.21.080(a) requires a front setback of 20'. A variance to 11' is requested.

B. LMC Section 27.21.030(a) requires a side/rear yard setback of 15' for churches in R-6. A variance to 5' is requested.

### **STAFF FINDINGS:**

1. The church is located in the R-6 zoning district. The required setbacks for 'other permitted uses' in the R-6 are: 20' front; 5' side; and the smaller of 30' or 20% of the lot depth.
2. Churches are allowed in the R-6 as a conditional use per Section 27.21.030(a) subject to the following:
  - A. Parking shall be in conformance with Chapter 27.67.
  - B. Required rear and side yards shall be fifteen feet or the same as the district, whichever is greater.
3. The site plan shows a proposed addition on the west side of the church. The front yard is along D Street, and the yard along the alley is considered a side

yard. The variance application incorrectly notes variances to both setbacks to 5' is requested. The site plan shows a front yard setback of 11' along D Street (considered a front yard), and 5' along the alley (considered a side yard).

4. Prior to December 13, 2004, churches in the R-1 through R-7 zoning districts were limited to 15% lot coverage unless approved by special permit. A text amendment approved on December 13, 2004 amended both the conditional and special permit lot coverage requirements for churches as follows:
  - A. Section 27.21.030(a) which allows churches as a conditional use was amended by the deletion of subsection (3) which was the requirement that "Buildings shall not cover more than 15% of the site."
  - B. Section 27.21.040(q) - Churches, increased lot coverage, which allowed increased lot coverage by special permit was deleted as part of the same text amendment.
5. The church and associated facilities occupy Lots 1, 2, 10, 11, and 12 and portions of the vacated alley. There are an existing garage and a one-story frame building on Lot 10. The one-story frame building will need to be removed, and the garage either removed or modified to allow the proposed addition.
6. The lots occupied by the church and the associated facilities are typical, rectangular-shaped lots. They are not unusual nor unlike those found in this part of the city.
7. The Board of Zoning Appeals is empowered to hear appeals to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned", and to make exceptions "to permit the reconstruction of a nonconforming building which has been destroyed by fire, or partially destroyed by fire or act of God where the Board shall find some compelling public necessity requiring the continuance of the nonconforming use."
8. If this appeal is denied, the property owner will be required to construct the addition in compliance with the setbacks of the district.

Prepared by

---

BZA #05016  
828 D Street

Page 3

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

Planner

November 4, 2005

**APPLICANT/**

**CONTACT:**

Jeff Downing  
530 South 13<sup>th</sup> Street Ste 100  
Lincoln, NE 68508  
(402) 475-8230



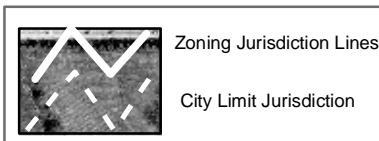
## Board of Zoning Appeals #05016 828 D St.

2005 aerial

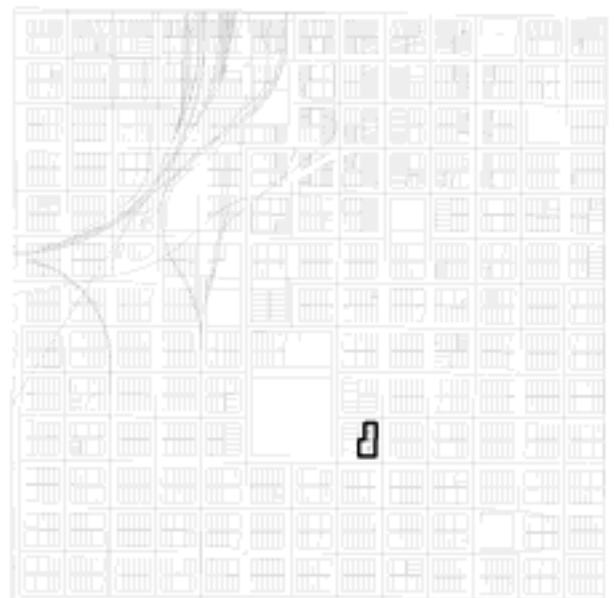
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 26 T10N R6E



S. 1st St.



S. 14th St.